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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Forty-fourth session
Agenda item 3

REVIEW OF THE WORK OF THE SUB-COMMISSION

Draft resolution submitted by Mr. Joinet and Mr. Yimer

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering Commission on Human Rights resolution 1992/66 of 4 March 1992, by which the Commission authorized it to establish, on an exceptional basis, an inter-sessional Working Group on the methods of work of the Sub-Commission,

Taking note of the report of the inter-sessional Working Group (E/CN.4/Sub.2/1992/3 and Add.1),

Recalling the set of guidelines which the Sub-Commission adopted at its twenty-seventh session (1974) concerning its methods of work (E/CN.4/1160, para. 26),

Decides to annex to the present resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

ANNEX

Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66

I. PREPARATION OF STUDIES

Guideline No. 1

Regulation of the number of studies

1. When the number of ongoing studies* reaches 20, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, in the form of a periodic report for example, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds the number of studies completed, the members of the Sub-Commission should hold consultations in order to establish priorities.

Guideline No. 2

Document preliminary to the studies

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, inter alia, the relevance of the study, including its timeliness, its object, the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudge the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

Guideline No. 3

Duration of studies

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be

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* "Studies" are understood to mean both studies as such and reports.

three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his mandate the rapporteur considers that, as a result of the difficulties encountered by him, he will need more than three years to complete his study, he should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

Guideline No. 4

Appointment of rapporteurs

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing rapporteurs, due regard being had for equitable geographical distribution. The members of the Sub-Commission should hold consultations as necessary during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them.

2. The duties of rapporteur are in principle exercised by members of the Sub-Commission.

3. When the rapporteur for an ongoing study is no longer a member of the Sub-Commission, he may not be retained in his post of rapporteur for more than one year after the date on which his mandate expires, unless the Sub-Commission decides otherwise.

Guideline No. 5

Appointment of commentators

1. The author or authors of the study may appoint two members at most of the Sub-Commission as commentators in order to undertake an in-depth analysis of the study, in liaison with its author or authors, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

Guideline No. 6

List of studies

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

(a) Title of the study;

(b) Name of its author;

(c) Legislative authority;

(d) Timetable of the study;

(e) Effective date of presentation of the preliminary, interim or final report.

Guideline No. 7

Follow-up of studies

The secretariat shall inform the Sub-Commission, at each session of the follow-up action on studies, in the form of a note indicating for each study the following points:

(a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);

(b) Name of the author;

(c) Reference to the decisions concerning the budgetary implications and indication of total amount. For each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;

(d) Summary of the most recent recommendation made by the author of the study. Follow-up given to these recommendations, in respect of the rules, measures or practices adopted, by the secretariat or Governments or by the specialized agencies or institutions or NGOs concerned.

II. SUBMISSION AND ADOPTION OF RESOLUTIONS AND DECISIONS

Guideline No. 8

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline in order to reduce their number, the secretariat shall provide at each session of the Sub-Commission, a comparative table for the previous three years showing the number of decisions or resolutions considered by category as follows:

(a) Resolutions and decisions concerning the Sub-Commission alone;

(b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Economic and Social Council for adoption;

(c) Resolutions of whatever category concerning the human rights situation in a given country;

(d) Resolutions and decisions concerning the submission of studies;

(e) Resolutions and decisions whose adoption was deferred or which were withdrawn;

(f) Solemn and consensus statements by the Chairman;

(g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rule of procedure of the functional commissions of the Economic and Social Council.

Guideline No. 9

At the beginning of each meeting the Chairman shall invite the secretariat to inform the Sub-Commission of the number of resolutions registered in order to promote self-discipline in this respect.

Guideline No. 10

If, when a draft resolution is being submitted, the Chairman notes that the signatures of at least four co-sponsors have not been obtained, he may, in consultation with the officers, invite the author, or if appropriate the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

Guideline No. 11

Either during consultations prior to the submission of a draft resolution or after its registration with the secretariat, the Chairman, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution with a consensus and solemn declaration by the Chairman meeting their approval and which would appear in extenso in the report of the Sub-Commission and in the summary record.

Guideline No. 12

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Economic and Social Council, draft resolutions should be submitted at least three working days before the date on which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

III. HOLDING OF MEETINGS AND ALLOCATION OF SPEAKING TIME

Guideline No. 13

Schedule of meetings

In accordance with established practice, meetings which are not devoted to the adoption of decisions or resolutions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

Guideline No. 14

Order of statements

1. Members of the Sub-Commission, at any time;
2. Observers for intergovernmental and non-governmental organizations;
3. Government observers.

Guideline No. 15

List of speakers

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list, for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

Guideline No. 16

Speaking time

At the beginning of each session, the Chairman shall invite participants to respect the speaking time allocated for each item in accordance with the following rules:

(a) Members of the Sub-Commission:

(i) 20 minutes maximum, divided into one or several statements;

(ii) 35 minutes maximum, for the presentation of a study, to be divided by the author between the explanatory remarks and the conclusion.

(b) Government observers:

(i) 10 minutes maximum (and 14 minutes in total if the item contains several sub-items);

(ii) 5 minutes maximum in connection with a right of reply or 3 minutes maximum in connection with a second right of rejoinder, as the case may be;

(iii) 5 minutes maximum for a statement to be exercised immediately before voting on a resolution, when the country is implicated.

(c) Non-governmental observers:

10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in case of a joint statement).

Guideline No. 17

Self-discipline

As and when necessary, and in order to promote self-discipline, each participant shall be warned by a written message from the Chairman, transmitted by the secretariat, that his speaking time is drawing to an end and that the Chairman intends to call the next speaker.

IV. TRANSITIONAL ARRANGEMENTS

Guideline No. 18

These arrangements shall not take effect until the Sub-Commission's forty-fifth session. They shall not be applicable to rapporteurs appointed before the forty-fourth session.

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